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MONTANA DISTRICT COURT DATA 1975

Montana Board of Crime Control

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INSTRUCTIONS:

For every new criminal action filed you must place one set (1 wht & 1 yell.) page in front of each court file. Fill in dates and blanks as the case progresses. When a case is disposed of by judgment, dismissal, i.e., tear off at perforation and forward the white copy to the Montana Board of Crime Control

Should there be further activity as to a deferred sentence or revocation, it will be necessary, when completed, to mail in the balance of the white page to the Montana Board of Crime Control, 1336 Helena Ave., Helena, Mt 59601.

POST-SENTENCE REVOCATION/DISMISSAL DATA [DEFERRED AND SUSPENDED ONLY]

__/__/__ REVOCATION PETITION _____ DOCKET # _____

__/__/__ REVOCATION HEARING _____

__/__/__ FINAL ACTION TAKEN _____

__/__/__ DISMISSAL ON DEFERRED SENTENCE _____

DOCKET # _____ COUNTY _____ DISTRICT # _____

NAME _____ IDENTIFICATION # _____

PRETRIAL

__/__/__ [ ] J.P. TRANSFER [ ] PRELIMINARY HEARING

[ ] DIRECT [ ] APPEAL J.P. [ ] APPEAL POLICE CT. DATE __/__/__

CHARGES AT TIME OF FILING _____ STATUTE # _____

[ ] PRIVATELY RETAINED

__/__/__ FIRST APPEARANCE [IN DIST. COURT] TYPE OF COUNSEL [ ] COURT APPOINTED

[ ] PUB. DEFENDER

__/__/__ ARRAIGNMENT INITIAL PLEA [ ] GUILTY [ ] NOT GUILTY

REASONS FOR DELAY OF ARRAIGNMENT [ ] CONTINUANCE [ ] DEF. AT LARGE [ ] PSYCH. EVAL.

[ ] OTHER _____

CHARGES AT TIME OF ARRAIGNMENT _____ STATUTE # _____

__/__/__ AMENDED INFORMATION

__/__/__ INITIAL BAIL $_____ __/__/__ OWN RECOGNIZANCE __ __/__/__ RELEASE

__/__/__ REDUCTION OR FINAL BAIL $ _____

__/__/__ CHANGE OF PLEA PLEA GIVEN [ ] GUILTY [ ] NOT GUILTY

CHARGES AT TIME PLEA CHANGED _____ STATUTE # _____

PRETRIAL MOTIONS [ ] SUPPRESS EVID. [ ] QUASH INFO. [ ] PRODUCE EVID. [ ] OTHER _____

[ ] COMMITMENT TO WARM SPRINGS

DISMISSAL [PRETRIAL]

__/__/__ DISMISSAL [ ] UPON MOTION OF COUNTY ATTORNEY

REASON FOR DISMISSAL _____

[ ] INSUFF. EVID. [ ] INT. OF JUSTICE [ ] CHARGES UNFOUNDED [ ] OTHER

TRIAL

__/__/__ BEGUN __/__/__ ENDED __/__/__ FOUND [ ] GUILTY

[ ] NOT GUILTY

IF FOUND GUILTY

CHARGES UPON TRIAL DETERMINATION _____

STATUTE # _____

SENTENCE

__/__/__ [ ] PRESENTENCE INVESTIGATION ORDERED [ ] WAIVED

__/__/__ JUDGMENT OR SENTENCE

CHECK ALL RELEVANT BOXES AND INDICATE THE TIME TO BE SPENT IN THAT PORTION OF THE JUDGMENT.

[ ] CONVICTED OF MULTIPLE CHARGES OR COUNTS [LIST ADDITION INFOR. BELOW]

[ ] CONFINEMENT, PRISON TIME _____ JAIL TIME _____

[ ] SUSPENSION OF SENTENCE, TIME _____

[ ] DEFERRED IMPOSITION OF SENTENCE, TIME _____

[ ] FINE $_____ [ ] PRIOR CHARGE _____

[ ] PRIOR CONVICTION _____

SPECIAL CONDITIONS [ ] ALCOHOL TREATMENT [ ] DRUG REHAB. [ ] WORK RELEASE

[ ] RESTITUTION ADDITIONAL INFOR. _____

[ ] CONCURRENT OR [ ] CONSECUTIVE SENTENCES _____

[ ] COMMITMENT TO WARM SPRINGS; TIME _____

__/__/__ APPEAL MADE. FINAL DETERMINATION

BOARD OF CRIME CONTROL
1336 HELENA AVENUE
HELENA, MONTANA 59601
TELEPHONE NO. 449-3604

January 30, 1976

In July of 1974, MBCC began to receive data from the several District Court Clerks in Montana concerning the activities of the District Courts with regards to criminal proceedings. The data is in the form of a docket sheet (Exhibit 1) filled out pursuant to each criminal court action. A copy of the docket sheet is sent to the MBCC Criminal Justice Data Center. This preliminary report displays certain of the data so gathered in an attempt to note some general trends in cases disposed and sentences meted out in Montana's District Courts in Calendar 1975. In addition, a small amount of attention has been given to the amount of bail and to the length of time required to dispose of cases.

Thanks is due the various Clerks of Court for the time and trouble taken by them to furnish MBCC with the information contained herein.

Respectfully submitted,

Stephen V. Lemmer
Statistician
MBCC

The information contained in this report was abstracted from docket sheets received by MBCC prior to January 10, 1976, which reflected a last action (ie. sentence, acquittal, or dismissal) occurring in Calendar Year 1975. Docket sheets with such a last action, but received after January 10, 1976, will be included in subsequent studies.

In Calendar 1975, MBCC received 1468 docket sheets within the above parameters. Of these, 25 (1.7%) were not included in our tally (17 - No Crime Listed, 3 - Extradited Before Trial, 2 - Deferred Prosecution, 1 - Committed Before Trial, 1 - Petition for Destruction of Gambling Equipment, 1 - Petition for Bond Forfeiture). This left 1443 under consideration.

In classifying and tallying the data, certain parameters were observed:

For purposes of classifying the offense under which data should be aggragated, the most serious surviving charge was used. (We have arbitrarily scaled crimes in decreasing seriousness as Homicide, Rape, Robbery, Assault, Burglary, Theft, Forgery, Sex, Drugs, Weapons, Arson, DWI, and Not Otherwise Classified.)

Multiple counts were ignored for purposed of aggragating the data, but their existance was noted where appropriate.

BAIL

Under consideration are docket sheets received concerning Homicide, Rape, Robbery, Assault, Burglary, Theft, Forgery, Sex, and Drugs. These comprise 1251, or 86.7% of the total number of docket sheets received.

Final bail was used for calculation; that is, if bail was reduced, the lower bail was used; if bail was increased, the higher bail figure was used.

Table 1 displays information concerning bail in Montana District Courts in 1975. Of the 232 'No Bail Recorded,' it is not known if any were releases on own recognizance. Certainly some were cases in which the case was disposed the same day of the defendant's first appearance, thus requiring no bail, but the precise magnitude of this phenomenon was not calculated.

BAIL IN MONTANA DISTRICT COURTS - 1975

CRIME	TOTAL	NO BAIL RECORDED	OWN RECOGNIZANCE	BAIL RECORDED	AVERAGE BAIL	RANGE (LOW; HIGH) In Nearest $
Homicide	29	9 31.0%	2 6.9%	18 62.1%	33,611.00	(5,000; 100,000)
Rape	18	0 0	2 11.2%	16 88.8%	5,062.00	(1,000; 20,000)
Robbery	53	8 15.1%	3 5.7%	42 79.2%	9,369.00	(500; 25,000)
Assault	86	13 15.1%	6 7.0%	67 77.9%	4,604.00	(500; 50,000)
Burglary	297	49 16.5%	54 18.2%	194 65.3%	3,503.00	(100; 20,000)
Theft	203	36 17.7%	31 15.3%	136 67.0%	2,994.00	(250; 35,000)
Forgery	84	22 26.2%	12 14.3%	50 59.5%	3,708.00	(200; 15,000)
Sex	21	2 9.5%	5 23.8%	14 66.7%	7,071.00	(1,000; 25,000)
Drugs	460	93 20.2%	84 18.3%	283 61.5%	2,280.00	(50; 25,000)
TOTALS	1251	232 18.6%	199 15.9%	820 65.5%	4,152.00	(50; 100,000)

TABLE 1

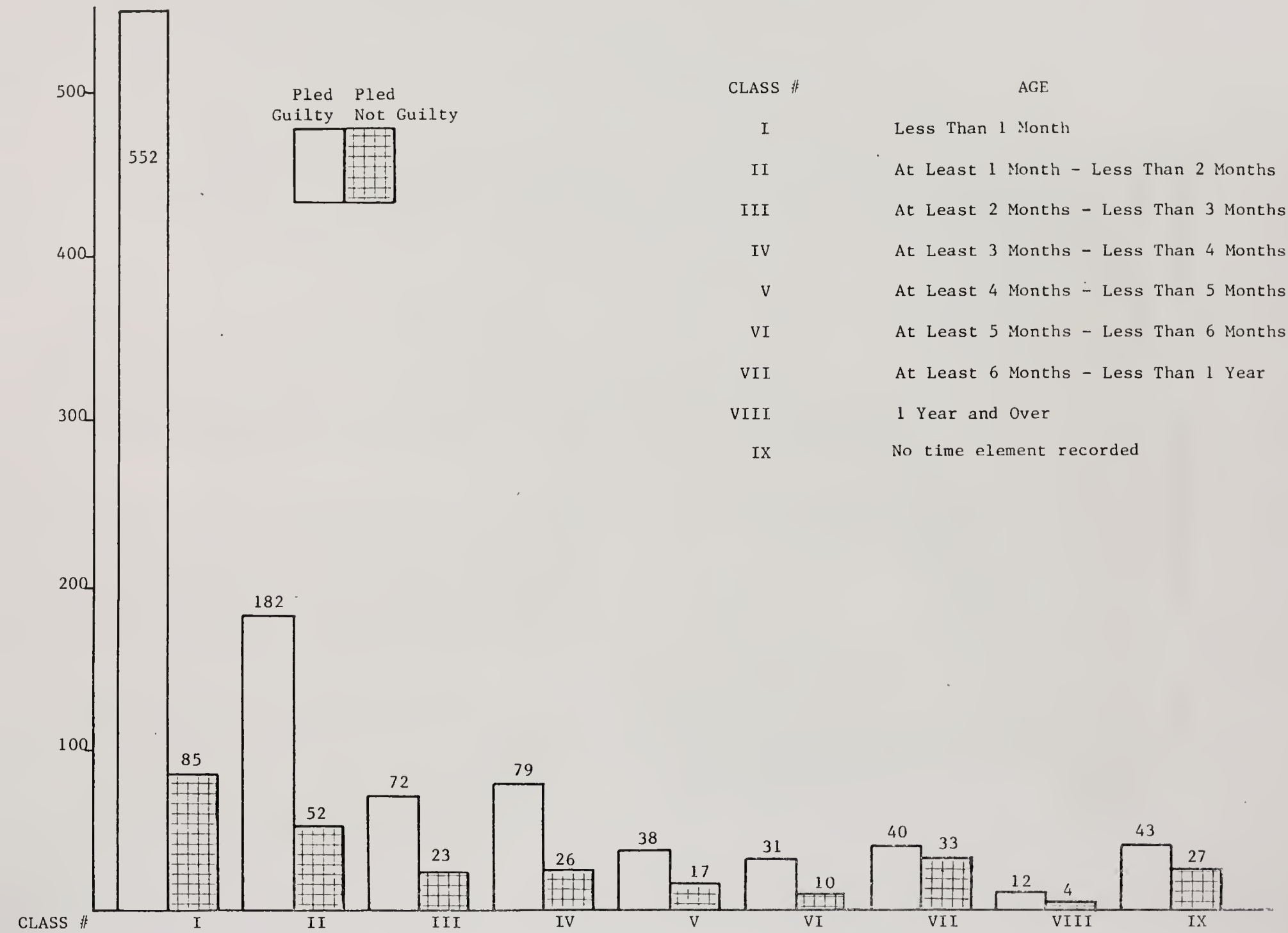
PROCESSING TIME

Attention was given to the time elapsed between arraignment or first appearance and disposition of the case. Time required was aggragated separately for guilty and not guilty pleas. Elapsed times were recorded in the following nine classes:

CLASS #	PROCESSING TIME
I	Less than 1 month
II	At least 1 month, but less than 2 months
III	At least 2 months, but less than 3 months
IV	At least 3 months, but less than 4 months
V	At least 4 months, but less than 5 months
VI	At least 5 months, but less than 6 months
VII	At least 6 months, but less than 1 year
VIII	1 year or more
IX	No time element recorded

CLASS #	GUILTY PLEAS		NOT GUILTY PLEAS		TOTALS	
	#	%	#	%	#	%
I	552	52.6%	85	30.7%	637	48.0%
II	182	17.4%	52	18.8%	234	17.6%
III	72	6.9%	23	8.3%	95	7.2%
IV	79	7.5%	26	9.4%	105	7.9%
V	38	3.6%	17	6.1%	55	4.2%
VI	31	3.0%	10	3.6%	41	3.1%
VII	40	3.8%	33	11.9%	73	5.5%
VIII	12	1.1%	4	1.4%	16	1.2%
IX	43	4.1%	27	9.8%	70	5.3%
	1049	100.0%	277	100.0%	1326	100.0%

Figure 1 is a graphical representation of the preceding data. Age for "Not Otherwise Classified" was not calculated. Cases in which no plea was entered were classed as 'Not Guilty' pleas.



CLASS #	AGE
I	Less Than 1 Month
II	At Least 1 Month - Less Than 2 Months
III	At Least 2 Months - Less Than 3 Months
IV	At Least 3 Months - Less Than 4 Months
V	At Least 4 Months - Less Than 5 Months
VI	At Least 5 Months - Less Than 6 Months
VII	At Least 6 Months - Less Than 1 Year
VIII	1 Year and Over
IX	No time element recorded

FIGURE 1

COMPOSITION OF CASELOAD

Figure 2 shows the general makeup of the Montana District Court caseload*in 1975. It represents cases, not crimes; that is, each docket sheet was tallied as one discrete event. In case the docket sheet reflected trial for more than one crime category, a tally was recorded in only one category, that category being the most 'serious' appearing on the docket sheet (We arbitrarily scale crimes with respect to 'seriousness' by considering Homicide as "most serious" and declining in seriousness from left to right as in Figure 2). Therefore, although total cases of 1443 were tallied, total 'crimes' or 'criminals' processed through Montana Courts in 1975 were slightly in excess of that number.

Under Montana law, a felony is a crime for which the perpetrator, once adjudged guilty, receives a sentence of confinement in excess of one year, or a suspension of such sentence. In addition, herein we consider deferrals in excess of one year to be felonies. Shorter sentences, and their suspension or deferral are considered to be misdemeanors. Within these parameters, Figure 2 shows the proportion of District Court cases disposed as misdemeanors and as felonies.

* For criminal filings only; civil filings, pre-sentence investigation, etc., are not catalogued.

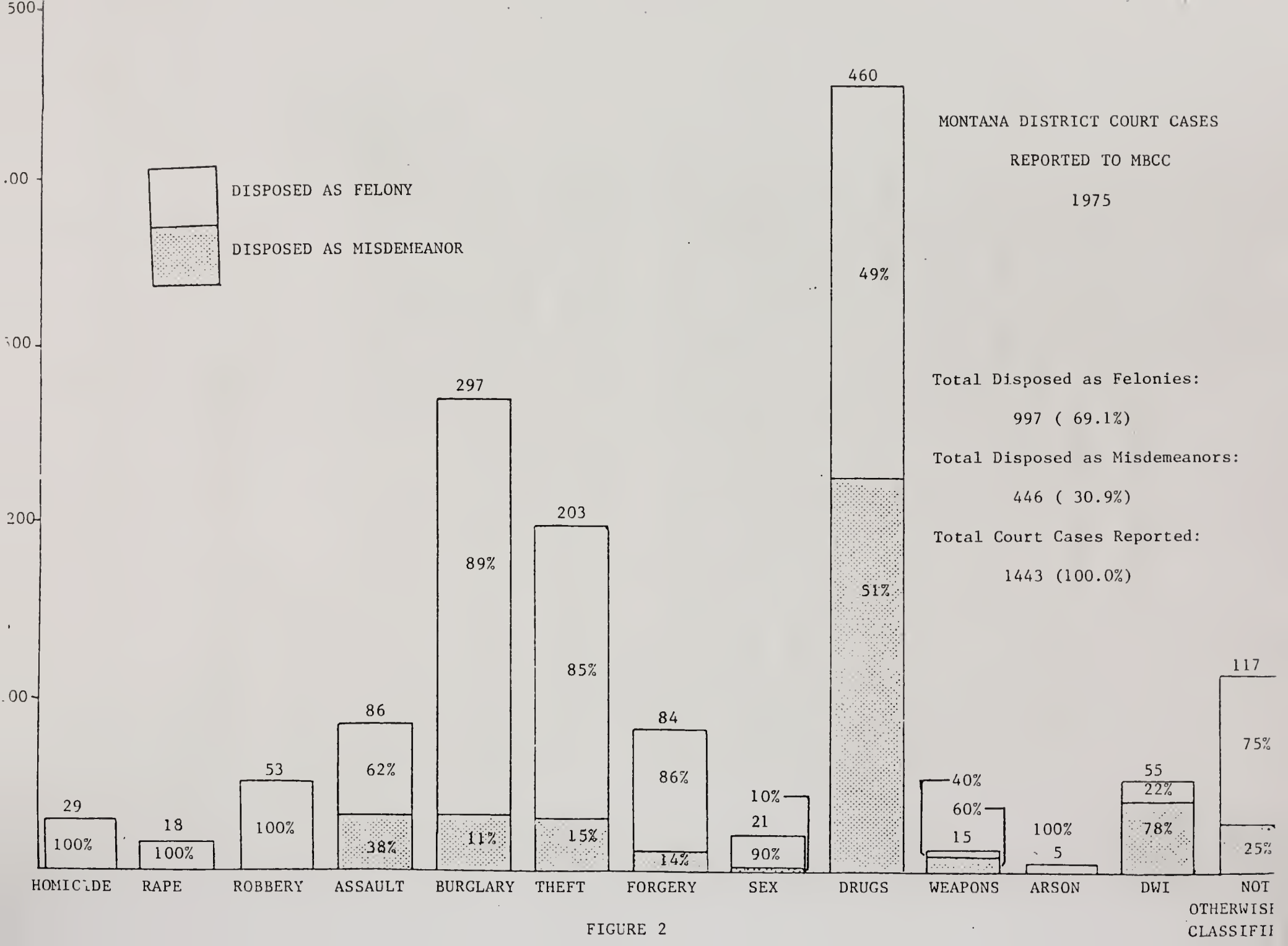

MONTANA DISTRICT COURT CASES
REPORTED TO MBCC
1975
DISPOSED AS FELONY
DISPOSED AS MISDEMEANOR
Total Disposed as Felonies:
997 (69.1%)
Total Disposed as Misdemeanors:
446 (30.9%)
Total Court Cases Reported:
1443 (100.0%)
29
100%
18
100%
53
100%
86
62%
38%
297
89%
11%
203
85%
15%
84
86%
14%
10%
21
90%
460
49%
51%
40%
60%
15
100%
5
55
22%
78%
117
75%
25%
HOMICIDE
RAPE
ROBBERY
ASSAULT
BURGLARY
THEFT
FORGERY
SEX
DRUGS
WEAPONS
ARSON
DWI
NOT OTHERWISE CLASSIFIED

FIGURE 2

DISPOSITION OF CASES

Tables 2a, b, c and 3a, b, c display the composition of the dispositions of the cases under consideration. The data is broken down by Judicial District (Tables 2a, b, c) and by Offense (3a, b, c). Parameters as to what constitutes a felony or a misdemeanor are as in the preceding section.

The very low percentage of cases dismissed or acquitted as misdemeanors is based on the supposition that any District Court case is a felony unless it is:

1) an appeal from Justice Court; or,

2) fits within the above referenced parameters for sentence.

Since in the case of a dismissal or acquittal no sentence is levied, only dismissals or acquittals of Justice Court appeals were catalogued as misdemeanors.

CASES DISPOSED IN DISTRICT COURT - 1975
BY JUDICIAL DISTRICT

Judicial District	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
1	74	10	1	62	1	14.8	13.5	1.35	85.2	83.8	1.35
2	45	7	1	35	2	17.8	15.6	2.2	82.2	77.8	4.4
3	52	3	0	48	1	5.8	5.8	-	94.2	92.3	1.9
4	333	51	4	268	10	16.5	15.3	1.2	83.5	80.5	3.0
5	36	8	1	26	1	25.0	22.2	2.8	75.0	72.2	2.8
6	22	2	0	19	1	9.1	9.1	-	90.9	86.4	4.5
7	21	0	1	15	5	4.8	-	4.8	95.2	71.4	23.8
8	137	19	1	116	1	14.6	13.9	.7	85.4	84.7	0.7
9	44	8	0	34	2	18.2	18.2	-	81.8	77.3	4.5
10	75	12	1	56	6	17.3	16.0	1.3	82.7	74.7	8.0
11	110	21	2	83	4	20.9	19.1	1.8	79.1	75.5	3.6
12	38	6	2	30	0	21.1	15.8	5.3	78.9	78.9	-
13	274	69	10	190	5	28.9	25.2	3.7	71.1	69.3	1.8
14	3	2	0	1	0	66.7	66.7	-	33.3	33.3	-
15	8	0	0	8	0	-	-	-	100.0	100.0	-
16	86	18	2	61	5	23.3	21.0	2.3	76.7	70.9	5.8
17	52	12	1	38	1	25.0	23.1	1.9	75.0	73.1	1.9
18	33	1	1	28	3	3.1	-	3.1	96.9	87.5	9.4
TOTAL	1443	249	28	1118	48	19.2	17.3	1.9	80.8	77.5	3.3

TABLE 2a

CASES DISPOSED AS MISDEMEANORS IN DISTRICT COURT - 1975
BY JUDICIAL DISTRICT

Judicial District	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
1	21	0	1	20	0	5.3	-	5.3	94.7	94.7	-
2	2	0	0	2	0	-	-	-	100.0	100.0	-
3	13	0	0	13	0	-	-	-	100.0	100.0	-
4	127	6	1	115	5	5.5	4.7	.8	94.5	90.6	3.9
5	11	0	0	11	0	-	-	-	100.0	100.0	-
6	4	0	0	4	0	-	-	-	100.0	100.0	-
7	5	0	0	5	0	-	-	-	100.0	100.0	-
8	25	0	0	24	1	-	-	-	100.0	96.0	4.0
9	8	0	0	7	1	-	-	-	100.0	87.5	12.5
10	29	0	0	27	2	-	-	-	100.0	93.1	6.9
11	32	1	0	29	2	3.1	3.1	-	96.9	90.6	6.3
12	2	0	0	2	0	-	-	-	100.0	100.0	-
13	64	0	0	63	1	-	-	-	100.0	98.3	1.7
14	0	0	0	0	0	-	-	-	-	-	-
15	3	0	0	3	0	-	-	-	100.0	100.0	-
16	31	0	0	30	1	-	-	-	100.0	96.8	3.2
17	20	0	0	20	0	-	-	-	100.0	100.0	-
18	9	0	0	9	0	-	-	-	100.0	100.0	0
TOTAL	406	7	2	384	13	2.2	1.8	.5	97.8	94.6	3.2

TABLE 2b

CASES DISPOSED AS FELONIES IN DISTRICT COURT - 1975
BY JUDICIAL DISTRICT

Judicial District	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
1	53	10	0	42	1	18.2	18.2	-	81.8	80.0	1.8
2	43	7	1	33	2	18.6	16.3	2.3	81.4	76.7	4.7
3	39	3	0	35	1	7.7	7.7	-	92.3	89.7	2.6
4	206	45	3	153	5	23.3	21.8	1.5	76.7	74.3	2.4
5	25	8	1	15	1	36.0	32.0	4.0	64.0	60.0	4.0
6	18	2	0	15	1	11.1	11.1	-	88.9	83.3	5.6
7	16	0	1	10	5	6.25	-	6.25	93.75	62.5	31.25
8	112	19	1	92	0	17.9	17.0	.9	82.1	82.1	-
9	36	8	0	27	1	22.2	22.2	-	77.8	75.0	2.8
10	46	12	1	29	4	28.3	26.1	2.2	71.7	63.0	8.7
11	78	20	2	54	2	28.2	25.6	2.6	71.8	69.2	2.6
12	36	6	2	28	0	22.3	16.7	5.6	-	77.7	-
13	210	69	10	127	4	37.7	32.8	4.8	62.4	60.5	1.9
14	3	2	0	1	0	66.7	66.7	-	33.3	33.3	-
15	5	0	0	5	0	-	-	-	100.0	100.0	-
16	55	18	2	31	4	36.3	32.7	3.6	63.7	56.4	7.3
17	32	12	1	18	1	40.6	37.5	3.1	59.4	56.3	3.1
18	24	1	1	19	3	4.4	-	4.4	95.6	82.6	13.0
TOTAL	1037	242	26	734	35	25.8	23.3	2.5	74.2	70.8	3.4

TABLE 2c

CASES DISPOSED IN MONTANA DISTRICT COURT - 1975
BY OFFENSE

Offense	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
Homicide	29	3	5	19	2	27.6	10.4	17.2	72.4	65.5	6.9
Rape	18	4	4	10	0	44.4	22.2	22.2	55.6	55.6	-
Robbery	53	9	0	41	3	17.0	17.0	-	83.0	77.4	5.6
Assault	86	20	3	53	10	26.8	23.3	3.5	73.2	61.6	11.6
Burglary	297	28	2	264	3	10.1	9.4	0.7	89.9	88.9	1.0
Theft	203	36	6	153	8	20.7	17.7	3.0	79.3	75.4	3.9
Forgery	84	12	1	71	0	15.5	14.3	1.2	84.5	84.5	-
Sex	21	5	0	14	2	23.8	23.8	-	76.2	66.7	9.5
Drugs	460	82	1	366	11	18.0	17.8	0.2	82.0	79.6	2.4
Weapons	15	2	0	12	1	13.3	13.3	-	86.7	80.0	6.7
Arson	5	2	0	3	0	40.0	40.0	-	60.0	60.0	-
DWI	55	7	1	42	5	14.5	12.7	1.8	85.5	76.4	9.1
Not Otherwise Classified	117	39	5	70	3	37.6	33.3	4.3	62.4	59.8	2.6
TOTALS	1443	249	28	1118	48	19.2	17.3	1.9	80.8	77.5	3.3

TABLE 3a

CASES DISPOSED AS MISDEMEANORS IN MONTANA DISTRICT COURT - 1975
BY OFFENSE

Offense	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
Homicide	0	0	0	0	0	-	-	-	-	-	-
Rape	0	0	0	0	0	-	-	-	-	-	-
Robbery	0	0	0	0	0	-	-	-	-	-	-
Assault	12	0	0	11	1	-	-	-	100.0	91.7	8.3
Burglary	33	0	0	33	0	-	-	-	100.0	100.0	-
Theft	30	1	1	26	2	6.6	3.3	3.3	93.4	86.7	6.7
Forgery	12	0	0	12	0	-	-	-	100.0	100.0	-
Sex	2	0	0	2	0	-	-	-	100.0	100.0	-
Drugs	236	1	0	230	5	0.4	0.4	-	99.6	97.5	2.1
Weapons	9	0	0	8	1	-	-	-	100.0	89.0	11.0
Arson	0	0	0	0	0	-	-	-	-	-	-
DWI	43	0	0	39	4	-	-	-	100.0	90.7	9.3
Not Otherwise Classified	29	5	1	23	0	20.7	17.2	3.5	73.9	73.9	-
TOTALS	406	7	2	384	13	2.2	1.7	.5	97.8	94.6	3.2

TABLE 3b

CASES DISPOSED AS FELONIES IN MONTANA DISTRICT COURT - 1975
BY OFFENSE

Offense	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dis-miss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dis-miss	Acquit	Total (%)	By Plea	By Trial
Homicide	29	3	5	19	2	27.6	10.4	17.2	72.4	65.5	6.9
Rape	18	4	4	10	0	44.4	22.2	22.2	55.6	55.6	-
Robbery	53	9	0	41	3	17.0	17.0	-	83.0	77.4	5.6
Assault	74	20	3	42	9	31.0	27.0	4.0	69.0	56.8	12.2
Burglary	264	28	2	231	3	11.4	10.6	0.8	88.6	87.5	1.1
Theft	173	35	5	127	6	23.1	20.2	2.9	76.9	73.4	3.5
Forgery	72	12	1	59	0	18.1	16.7	1.4	81.9	81.9	-
Sex	19	5	0	12	2	26.3	26.3	-	73.7	63.2	10.5
Drugs	224	81	1	136	6	36.6	36.2	0.4	63.4	60.7	2.7
Weapons	6	2	0	4	0	33.3	33.3	-	66.7	66.7	-
Arson	5	2	0	3	0	40.0	40.0	-	60.0	60.0	-
DWI	12	7	1	3	1	66.7	58.3	8.3	33.3	25.0	8.3
Not Otherwise Classified	88	34	4	47	3	43.2	38.6	4.6	56.8	53.4	3.4
TOTALS	1037	242	26	734	35	25.8	23.3	2.5	74.2	70.8	3.4

TABLE 3c

SENTENCES

Pages 8 through 31 contain data on the number and composition of sentences delivered with respect to the docket sheets under consideration. In general, we have assumed that sentences fall into one of four categories:

1) Confinement

2) Confinement; partially suspended

3) Confinement; entirely suspended

4) Deferred sentences

In the case of some offenses, fines occurred often enough to necessitate a fifth category. Sentences which did not readily fit into any of these categories were explained under 'Remarks.' In cases of a mixed sentence where one sentence particle far outweighed the other, the smaller particle was ignored(i.e., five years suspended with two weekends in jail was classed as a suspended sentence).

The following pages also contain an expansion of the data in Tables 3a, b, c. Individual charges, counts, and defendants are here enumerated, as are the reasons for dismissals.

HOMICIDE

Number of docket sheets 29

- Deliberate 17
- Attempted 1
- Negligent 8
- Mitigated 3

The 29 docket sheets encompassed 29 defendants.

Offenses included in the 29 docket sheets:

- Homicide 29
- Rape 1
- Kidnap 1
- Robbery 1
- Assault 2

Total Offenses 34

DISMISSALS:

- Upon motion of County Attorney 2
- No reason recorded 1

Total Dismissals 3

ACQUITTALS:

- Mental illness 1
- Other 4

Total Acquittals 5

CONVICTIONS:

By plea	19
By trial	2
Total Convictions	21

SENTENCES:

Confined only	13
Average confinement	51.15 years
Confined with suspension	2
Average confinement	22.5 years
Average suspension	17.5 years
Suspended only	1
Average suspension	15.0 years
Deferred	5
Average deferral	2.6 years

Remarks: Two of the docket sheets charging deliberate homicide were pled guilty as mitigated homicide.

RAPE

Number of docket sheets 18

The 18 docket sheets encompassed 19 defendants

Offenses included in the 18 docket sheets:

Rape	18
Kidnap	2
Total Offenses	20

DISMISSALS:

Interest of Justice	1
Charges unfounded	1
File new charges	1
Other: Defendant under psychiatric care	1
Total Dismissals	4

ACQUITTALS 4

CONVICTIONS:

By plea	10
By trial	0
Total Convictions	10

SENTENCES:

Confined only	2
Average confinement	15.0 years

SENTENCES (Continued)

Confined with suspension	5
Average confinement	8.9 years
Average suspension	7.8 years
Suspended only	1
Average suspension	6.0 years
Deferred	2
Average deferral	3.0 years

ROBBERY

Number of docket sheets 53

The 53 docket sheets encompassed 53 defendants.

Offenses included in the 53 docket sheets:

Robbery	53
Assault	10
Burglary	2
Theft	2
Forgery	1
Conspiracy	1
Total Offenses	69

DISMISSALS:

Upon motion of County	5
Insufficient evidence	1
Remanded to Justice Court	3
Total Dismissals	9

ACQUITTALS 0

CONVICTIONS:

By plea	41
By trial	3
Total Convictions	44

SENTENCES:

Confined only 19

Average confinement . . . . . 13.33 years

Confined with suspension 15

Average confinement . . . . . 3.07 years

Average suspension . . . . . 7.2 years

Suspended only 2

Average suspension . . . . . 10.0 years

Deferred 8

Average deferral . . . . . 3.0 years

Remarks: Of the deferred sentences, one was deferred on the provision that the defendant serve 60 days in the county jail.

ASSAULT

Number of docket sheets 86

The 86 docket sheets encompassed 86 defendants.

Offenses included in the 86 docket sheets:

Robbery	2
Kidnap	1
Assault	88
Burglary	1
Theft	1
Drugs	1
Criminal Mischief	2
Disorderly Conduct	1
Resisting Arrest	1
Total Offenses	98

DISMISSALS:

Upon motion of County Attorney	3
Insufficient evidence	5
Interest of Justice	5
Conflict of evidence	1
Remanded to Justice Court	1
Remanded to another jurisdiction	1
No reason recorded	4
Total Dismissals	20

ACQUITTALS 3

CONVICTIONS:

By plea 53

By trial 10

Total Convictions 63

SENTENCES:

Confined only 16

Average confinement . . . . . 8.74 years

Confined with suspension 9

Average confinement . . . . . 7.31 years

Average suspension . . . . . 2.75 years

Suspended only 13

Average suspension . . . . . 2.75 years

Deferred 25

Average deferral . . . . . 2.56 years

Remarks: Two suspended sentences were suspended on provision that defendants serve weekends in jail.

Two deferred sentences were deferred on provision that defendants serve 30 days.

Two deferred sentences were accompanied by fines.

BURGLARY

Number of docket sheets 297

The 297 docket sheets encompassed 302 defendants.

Offenses included in the 297 docket sheets:

Burglary	339
Theft	25
Forgery	3
Drugs	3
Criminal Mischief	1
Intimidation	1
Weapons	1
Total Offenses	373

DISMISSALS:

Upon motion of County Attorney	2
Insufficient evidence	4
Interest of Justice	5
Sentenced on another charge	5
Remanded to another jurisdiction	3
Committal to Warm Springs	4
Charges unfounded	1
Provision: That defendant enlist in Armed Forces	1
Death of defendant	1
Defendant in prison	1
No reason recorded	1
Total Dismissals	28

ACQUITTALS 2

CONVICTIONS:

By plea 264

By trial 3

Total Convictions 267

SENTENCES:

Confinement only 39

Average confinement . . . . . 7.79 years

Confinement with suspension 31

Average confinement . . . . . 2.99 years

Average suspension . . . . . 3.82 years

Suspension only 35

Average suspension . . . . . 4.83 years

Deferred 161

Average deferral . . . . . 2.21 years

Committal to Warm Springs 1

Remarks: Twenty deferrals were accompanied by short jail sentences; average sentence being 25.6 days.

Six fines were levied as part of deferred or suspended sentences.

THEFT

Number of docket sheets 203

The 203 docket sheets encompassed 206 defendants.

Offenses included in the 203 docket sheets:

Theft	233
Burglary	3
Resisting arrest	1
Drugs	2
Deceptive practices	4
Total Offenses	243

DISMISSALS:

Upon motion of County Attorney	4
Upon motion to quash	1
Insufficient evidence	11
Interest of Justice	9
Charges unfounded	1
Remanded to Justice Court	3
Remanded to another jurisdiction	4
Sentenced on another charge	2
Defect in information	1
Total Dismissals	36

ACQUITTALS:

Mental Incompetence (Committed to Warm Springs)	1
Other	5
Total Acquittals	6

CONVICTIONS:

By plea	153
By trial	8
Total Convictions	161

SENTENCES:

Confined only	34
Average confinement	4.37 years
Confinement with suspension	9
Average confinement	1.35 years
Average suspension	3.93 years
Suspended only	25
Average suspension	3.7 years
Deferred	93
Average deferral	2.24

Remarks: One defendant who pled guilty was not sentenced but was extradited to Ohio.

Twelve deferrals were accompanied by short jail sentences; average sentence being .13 years.

FORGERY

Number of docket sheets 84

The 84 docket sheets encompassed 84 defendants.

Offenses included in the 84 docket sheets:

Forgery	116
Deceptive Practices	1
Total Offenses	117

DISMISSALS:

Upon motion of County Attorney	3
Insufficient evidence	3
Interest of Justice	2
Withdrawal by complaintant	1
On provision of restitution	1
No reason recorded	2
Total Dismissals	12

ACQUITTALS 1

CONVICTIONS:

By plea	71
By trial	0
Total Convictions	71

SENTENCES:

Confined only 12

Average confinement . . . . . 5.71 years

Confined with suspension 9

Average confinement . . . . . 3.86 years

Average suspension . . . . . 3.77 years

Suspended only 15

Average suspension . . . . . 4.57 years

Deferred 34

Average deferral 2.1

Fine only 1

Fine $50.00

Remarks: Two deferred sentences were deferred on provision that the defendants serve short jail sentences (21 days and 15 days).

One suspended sentence included a $50 fine.

SEX

Number of docket sheets 21

The 21 docket sheets encompassed 23 defendants.

Offenses included in the 23 docket sheets:

Sex	35
Unlawful restraint	1
Total Offenses	36

DISMISSALS:

Upon motion of County Attorney	1
Insufficient evidence	2
Defendant sentenced on another charge	1
No probable cause	1
Total Dismissals	5

ACQUITTALS 0

CONVICTIONS:

By plea	14
By trial	2
Total Convictions	16

SENTENCES:

Confined only	5
Average confinement	5.8 years

SENTENCES (Continued)

Suspended only 2

Average suspension . . . . . 2.75 years

Deferred 9

Average deferral . . . . . 2.89 years

Remarks: One plea of guilty to sexual assault was originally a charge of rape.

DRUGS

Number of docket sheets 460

The 460 docket sheets encompassed 473 defendants.

Offenses included in the 460 docket sheets:

Drugs	534
Weapons	2
Solicitation	1
DWI	1
Resisting arrest	1
Theft	2
Total Offenses	541

DISMISSALS:

Upon motion of County Attorney	15
Insufficient evidence	38
Interest of Justice	10
Charges unfounded	2
Provision: That defendant enlist in Armed Forces	2
Deferred Prosecution	1
Provision: That defendant serve voluntary jail sentence	1
Suppressed evidence	3
Unlawful arrest	1
Release to another jurisdiction	2
Defective warrant	1
Defendant found to be a juvenile	1
Defendant sentenced on another charge	3
No reason recorded	2
Total Dismissals	82

ACQUITTALS 1

CONVICTIONS:

By plea 366

By trial 11

Total Convictions 377

SENTENCES:

Confined only 24

Average confinement . . . . . 3.07 years

Confined with suspension 8

Average confinement . . . . . .85 years

Average suspension . . . . . 4.16 years

Suspended only 29

Average suspension . . . . . 3.52 years

Deferred 302

Average deferral . . . . . 1.44 years

Fine only 14

Average Fine $170.00

Remarks: Four confinements were accompanied by fines. Four suspensions were accompanied by fines. Sixty-three deferrals were accompanied by fines. Twenty-three deferrals were provisional upon short jail sentences; average sentence being 32 days.

WEAPONS

Number of docket sheets 15

The 15 docket sheets encompassed 15 defendants.

Offenses included in the 15 docket sheets:

Weapons 15

DISMISSALS:

Upon motion of County Attorney 2

Total Dismissals 2

ACQUITTALS 0

CONVICTIONS:

By plea 12

By trial 1

Total Convictions 13

SENTENCES:

Confinement only 3

Average confinement . . . . . 2.68 years

Suspended only 1

Average suspension . . . . . 3.0 years

Deferred 4

Average deferral . . . . . .75 years

Fine only 5

Average fine $120.00

ARSON

Number of docket sheets 5

The 5 docket sheets encompassed 5 defendants.

Offenses included in the 5 docket sheets:

Arson	4
Negligent Arson	1
Total Offenses	5

DISMISSALS:

Remanded to Justice Court	1
For committal to Warm Springs	1
Total Dismissals	2

ACQUITTALS 0

CONVICTIONS:

By plea	3
By trial	0
Total Convictions	3

SENTENCES:

Deferred	3
Average deferral	2.3 years

DRIVING WHILE INTOXICATED

Number of docket sheets 55

The 55 docket sheets encompassed 55 defendants.

Offenses included in the 55 docket sheets:

DWI 55

DISMISSALS:

Upon motion of defendant 2

Insufficient evidence 1

Remanded to Justice Court 2

Lack of jurisdiction 1

No reason recorded 1

Total Dismissals 7

ACQUITTALS 1

CONVICTIONS:

By plea 42

By trial 5

Total Convictions 47

SENTENCES:

Confined only 7

Average confinement . . . . . .35 years

Confined with suspension 11

Average confinement . . . . . .10 years

Average suspension . . . . . .84 years

SENTENCES (Continued)

Suspended only 16

Average suspension . . . . . .94 years

Deferred 11

Average deferral . . . . . .82 years

Fine only 2

Average fine $500.00

Remarks: Four confinements, four confinements with suspension, six suspensions, and two deferrals were accompanied by fines, the average fine being $502.50.

NOT OTHERWISE CLASSIFIED

Because of the disparate nature of the docket sheets in this catagory, no rigorous examination of dispositions and sentences has been undertaken. Instead we will simply list the members of this class and their respective occurrences.

Attempt (Unspecified)	2
Bribery	1
Conspiracy	2
Criminal Mischief	19
Cruelty to Animals	1
Custodial Interference	1
Deceptive Practices	6
Destroying Evidence	1
Disorderly Conduct	1
Escape	11
Failure to Provide Compensation	2
Failure to Report Accident	3
Fish and Game	1
Gambling	18
Intimidation	4
Kidnapping	3
Leash Law	1
Manslaughter	2
Miscellaneous License	1
Non-Support	1

Obstructing Justice	2
Perjury	5
Privacy in Commerce	1
Prostitution	2
Receiving Stolen Property	2
Removing Mortgaged Property	1
Sale of Liquor without License	2
Solicitation (Unspecified)	3
Traffic	7
Trespass	1
Vehicle	9
Total Offenses	117

STATE TOTALS*

Number of docket sheets 1326

The 1326 docket sheets encompassed 1350 defendants.

Offenses included in the 1326 docket sheets:

OFFENSE	OCCURRENCE	% OF TOTAL OFFENSES
Homicide	29	1.8%
Rape	19	1.2%
Robbery	56	3.5%
Assault	100	6.2%
Burglary	345	21.5%
Theft	263	16.4%
Forgery	120	7.5%
Sex	35	2.2%
Drugs	540	33.6%
Weapons	18	1.1%
Arson	5	.3%
DWI	56	3.5%
Other	20	1.2%
TOTAL	1606	100.0%

* Excluding 'Not Otherwise Classified'

DISMISSALS:

REASON	OCCURRENCE	% OF TOTAL
Charges Unfounded	5	2.38%
Committed to Warm Springs	5	2.38%
Conflict in Evidence	1	.48%
Death of Defendant	1	.48%
Defect in Information	1	.48%
Defective Warrant	1	.48%
Defendant a Juvenile	1	.48%
Defendant in Prison	1	.48%
Defendant under Psychiatric Care	1	.48%
Deferred Prosecution	1	.48%
Insufficient Evidence	65	31.00%
Interest of Justice	32	15.24%
Lack of Jurisdiction	1	.48%
Motion of County Attorney	38	18.00%
Motion of Defendant	2	.96%
Motion to Quash	1	.48%
No Probable Cause	1	.48%
No Reason Recorded	11	5.20%
Provision: Def. Enter Armed Forces	2	.96%
Provision: Restitution	1	.48%
Provision: Voluntary Jail	1	.48%
Remanded to another Jurisdiction	10	4.80%
Remanded to Justice Court	10	4.80%
Sentenced on another Charge	11	5.20%
Supressed Evidence	3	1.40%
To Refile Information	1	.48%
Unlawful Arrest	1	.48%
Withdrawal by Complaintant	1	.48%
TOTALS	210	100.00%

ACQUITTALS:

REASON	OCCURRENCE	% OF TOTAL
Mental Illness	2	9.1%
Other	21	90.9%
TOTALS	23	100.0%

SENTENCES:

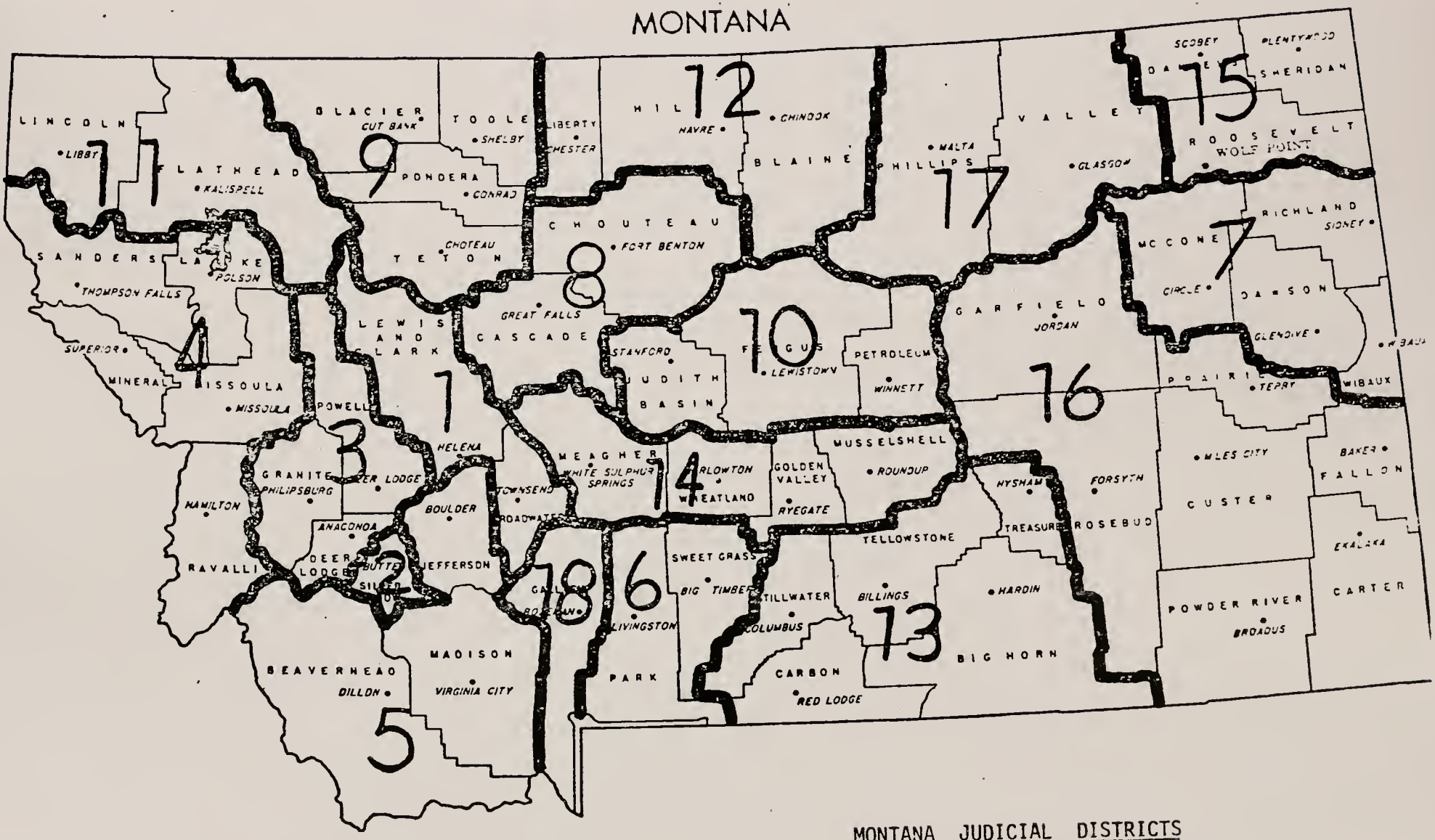
REASON	OCCURRENCE	% OF TOTAL
Pled Guilty	1048	95.9%
Found Guilty	45	4.1%
TOTALS	1093	100.0%

SENTENCE	OCCURRENCE	% OF TOTAL
Confinement	174	15.9%
Confinement with Suspension	99	9.1%
Suspension	140	12.8%
Deferral	657	60.0%
Fine	22	2.0%
Committal to Warm Springs	1	.1%
Extradition	1	.1%
TOTALS	1094	100.0%

DISTRIBUTION OF DISTRICT JUDGES IN MONTANA - 1975

Judicial District	Number of Judges
1	2
2	2
3	1
4	3
5	1
6	1
7	1
8	3
9	1
10	1
11	2
12	1
13	3
14	1
15	1
16	2
17	1
18	1
Total in State	28

MONTANA



MONTANA JUDICIAL DISTRICTS